

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CRIMINAL CASE NO. 1:10cr35-2**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
	)	
<b>vs.</b>	)	<b><u>O R D E R</u></b>
	)	
<b>LEODEGARIO GOMEZ ALVIAR.</b>	)	
	)	
	)	

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**THIS MATTER** is before the Court *sua sponte* to continue this action from the September 2010 term in the Asheville Division.

In a two count bill of indictment filed on June 1, 2010, the Defendant has been charged with conspiracy to possess with intent to distribute cocaine and possession with intent to distribute cocaine, in violation of 21 U.S.C. §§841(a)(1) and 846. [Doc. 15].

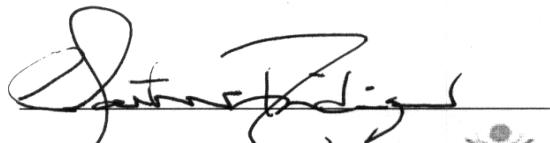
The Defendant is joined for trial with a co-defendant as to whom the time for trial has not run and no motion for severance has been granted. 18 U.S.C. §3161(h)(6). The Defendant's co-defendant has moved to continue the case from the September term in order to allow additional time for preparation. In that motion, counsel for the co-defendant states that the

Defendant does not oppose continuing the case. Since the motion of the co-defendant has been allowed, the Court finds that the Defendant's case should also be continued.

The Court therefore finds that the ends of justice served by continuing this case outweigh the best interests of the public and the Defendants in a speedy trial. 18 U.S.C. §3161(h)(7)(A).

**IT IS, THEREFORE, ORDERED** that the Defendant's case is hereby continued from the September 2010 term of Court.

Signed: August 11, 2010



Martin Reidinger  
United States District Judge

